

# Eyman declares victory as Initiative 1366 appears to pass

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The Associated Press  
Yakima Herald  
Updated Nov 6, 2015



Initiative promoter Tim Eyman goes over notes while waiting to speak to the Senate Ways and Means Committee, Monday, Feb. 9, 2015, at the Capitol in Olympia, Wash. (AP Photo/Ted S. Warren)

OLYMPIA, Wash. — Washington voters have approved a ballot measure that gives state lawmakers a choice: By April 15, pass a constitutional amendment that raises the threshold needed for the Legislature to pass taxes, or else the state's sales tax will be cut by one percent.

The latest returns Friday show Initiative 1366 has about 52 percent of the statewide vote. The measure would decrease the 6.5-percent state sales tax to 5.5 percent unless the Legislature passes and sends to the November 2016 ballot the amendment that would reinstate a two-thirds legislative majority requirement if approved by voters.

Currently, taxes can be raised through a simple-majority vote of the Legislature.

Eyman sent out an email to supporters earlier in the day calling the results a “slam dunk.”

“It’s a massive victory for the taxpayers — a crushing defeat for opponents,” Eyman wrote.

Any effort at a constitutional amendment would not be easy in the politically divided Legislature. Many Democrats oppose a two-thirds rule, and in order for a constitutional

amendment to make it to the ballot, two-thirds of the Legislature must approve it. Republicans control the Senate but don't have the votes required to pass such a measure. Democrats have a slim majority in the House.

While Washington state has long been seen as a solidly Democratic state, Republicans have made significant gains in the past few years in the state Legislature. However, even when Democrats had control of both chambers, there has been long been a strong anti-tax sentiment among voters, who now have four times over the past decade voted to limit lawmakers' ability to raise taxes and fees. Voters have also previously rejected ballot measures seeking to create a state income tax.

The latest anti-tax measure passed in 35 of the state's 39 counties. One place it was losing was King County, the state's most populous and home to tax-friendly Seattle where voters Tuesday overwhelmingly approved a \$930 million transportation levy. But the "no" vote in King County wasn't enough to offset the strong support elsewhere. Because Washington is a vote-by-mail state, results have been trickling in since Election Day.

Opponents of the measure had been unsuccessful in keeping the measure off of the ballot, but they have promised to challenge the measure in court, saying that it unconstitutionally tries to change the state constitution through the initiative process in addition to violating the state's single-subject rule for ballot measures.

"I absolutely believe that it is categorically unconstitutional and it will likely be thrown out," Democratic Rep. Reuven Carlyle of Seattle said earlier this week.

Previous voter-approved initiatives sponsored by Eyman required a supermajority vote on taxes, but the state Supreme Court struck down that requirement in 2013, saying it was unconstitutional.

The state Office of Financial Management has estimated the measure would reduce revenue to the state budget by \$8 billion through the middle of 2021 if its tax-cut element becomes law, something lawmakers have said is unsustainable in light of the current contempt order the state is under because of its lack of progress on education funding. In August the state Supreme Court said the legislature will be sanctioned \$100,000 a day until lawmakers deliver a plan to fully fund education.

According to the National Conference of State Legislatures, about a dozen states require a legislative supermajority to raise any taxes or fees. A handful of other states require a supermajority in order to raise specific taxes, like income or sales tax.

Two Republican state senators in Washington have already said they would introduce a constitutional amendment in response to the initiative's passage when the Legislature returns to the Capitol in January.